

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on December 2, 2013.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS  
HELD AT WYOMING CITY HALL

November 18, 2013

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present:    Beduhn            Burrill            Dykhous    Lomonaco  
                                 Postema            VandenBerg    VanderSluis

Other official present:            Tim Cochran, City Planner

A motion was made by Burrill, and seconded by Postema to excuse Palmer.

Motion carried:            7 Yeas            0 Nays

A motion was made by Postema, and seconded by Beduhn to approve the minutes of the November 4, 2013 Board of Zoning Appeals meeting.

Motion carried:            7 Yeas            0 Nays

PUBLIC HEARING:

Appeal #V130050                    P.P. #41-18-18-103-010

Tran Nguyen

104 Colrain St. S.E.

Zoned R-2

Secretary Lomonaco read the application requesting variances from the City of Wyoming Zoning Code Section 90-891 Residential Districts, which requires a minimum side yard building setback of 7 feet, and a combined side yard setback of 18 feet, in this R-2 Single Family Residential District. The petitioner proposed to construct an attached garage addition of 504 square feet that would have a side yard setback of 5 feet with a combined side yard setback of 10 feet. The petitioner requested a variance of 2 feet to the required 7 foot side yard setback and a variance of 8 feet to the required 18 foot combined side yard setback for the proposed garage addition.

Chairman VanderSluis opened the public hearing.

Tran Nguyen, 104 Colrain St. S.E., explained the structure he had there needed roof repairs. He was going to repair the roof, but then he noted the siding was rotted. He decided to remove the existing structure and replace it. He had been explained the structure he had there needed roof repairs. He was going to repair the roof, but then he noted the siding was rotted. He decided to remove the existing structure and replace it. He has been renovating the house, and wanted to improve the garage as well.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Cochran said Mr. Nguyen explained it well. Staff had researched the property. There had been a building permit issued in 1962, and it was thought the structure had erected sometime in the 1940's. If Mr. Nguyen had left a portion of the structure up, he would have retained its legal nonconforming status and been allowed to repair/rebuild it. Then he would not have been required to obtain a variance. Based on this information, staff supported the variance request, and appreciated his efforts in revitalizing the area.

A motion was made by Burrill and seconded by Beduhn that the request for a variance in application no. V130050 be granted, accepting staff's Finding of Facts.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because this property had an attached 504 square foot garage of the footprint proposed since 1962. That garage had a sideyard setback of five feet and was nonconforming to the current Zoning Code which now specifies a minimum 7 foot sideyard setback. The petitioner desired to restore the garage and subsequently removed the structure, thereby losing the nonconforming status of the garage setback. Restoring the garage in its previous configuration will not change the historical relationship between the petitioner's property and the adjoining property.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the replacement of the garage improves the property and continues the historical use.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because the replacement of the garage improves the property and thereby encourages other investments in the neighborhood.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because the reconstruction of the garage would have been permitted without variance if partial retention of the structure would have occurred.

Burrill noted until he drove by the property, he probably would have voted to deny the request. The fact that there had been an existing legal nonconforming structure gives the property precedence for the replacement. However, Mr. Nguyen has greatly improved the property and the request is reasonable. Building code would require Mr. Nguyen to add a fire wall on the east in case there was a fire in the garage.

Motion carried:            7 Yeas            0 Nays (Resolution #5551)

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There were no public comments at the meeting.

The new business items were discussed by Cochran and the Board members.

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Canda Lomonaco  
Secretary

CL:cb